

Appl. No.: 10/651,499  
Reply Dated: 09/28/2005  
Reply to Office action of 07/29/2005

### REMARKS

Claims 1-4, 8, 12, 18 to 23, 28, 34-36, 39-41, and 50-55 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Ng et al., *Protein Crystallization by Capillary Counterdiffusion for Applied Crystallographic Structure Determination*, 142 J. of Structural Biology 218-231 (2003) ("Ng et al."). Claims 5-7, 9-11, 13-17, 24-27, 29-33, 37, 38, 42-49, and 56-62 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ng et al.

Please find the attached Declaration of Joseph D. Ng, Ph.D. Dr. Ng is a co-inventor in the present application along with Jose A. Gavira-Gallardo, Juan M. Garcia-Ruiz, Greg Jenkins, and Mark Wells. In his Declaration, Dr. Ng states that the subject matter of Ng et al. is his own work and the work of co-inventors Jose A. Gavira-Gallardo and Juan M. Garcia-Ruiz. Dr. Ng further states that Ng et al. is the subject matter described and claimed in the present application. Thus, Ng et al. cannot be considered prior art under 35 U.S.C. § 102(a) or 103(a) because the contents of Ng et al. is Applicants' own work. Accordingly, it is respectfully submitted that the rejections under 35 U.S.C. 102(a) and 103(a) have been overcome.

In view of the remarks made above, Applicant submits that the pending Claims are in condition for allowance. Applicant respectfully requests that the claims be allowed to issue. If the Examiner wishes to discuss the application or the comments herein, the Examiner is urged to contact the undersigned by telephone.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



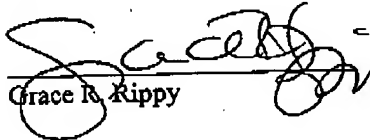
Timothy J. Balts  
Registration No. 51,429

Appl. No.: 10/651,499  
Reply Dated: 09/28/2005  
Reply to Office action of 07/29/2005

Customer No. 00826  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
CLT01/4705131v1

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U. S. Patent and Trademark Office at  
Fax No. (571) 273-8300 on the date shown below.

  
Grace R. Rippe

September 28, 2005  
Date